

**TOWN OF DAVIE
REGULAR MEETING
AUGUST 16, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:38 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex and Vice-Mayor Crowley, Councilmembers Caletka Paul, and Starkey. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. Pine Island Park Waterplay Area FDRAP Grant - Representative Susan Goldstein

Representative Goldstein presented the Town a check for \$200,000 from the FDRAP program to help fund the Pine Island Park Waterplay Area.

Regarding insurance reform, Representative Goldstein remarked that Governor Bush would not call a special session unless there was consensus on how to address the issue because it was costly to recall legislators to Tallahassee. Councilmember Starkey asked Representative Goldstein when the Legislature would address this issue, if not in a special session. Representative Goldstein said it was "very difficult now, because we don't know who's going to be sitting in their chairs in the chamber; what we can decide upon now might be overturned come the second of November when we have a new Governor." She felt the flaw with Citizens was that the State was bearing all of the risk for the high-risk policies. Representative Goldstein thought the State must decide whether it wanted to be in the insurance business.

3.2. Legislative Summary - Representative Eleanor Sobel

Representative Sobel provided an update on the legislative issues affecting Davie, including parks and housing funds. She announced that she had helped pass a bill allowing county and city athletic leagues to receive EMS grant funds for defibrillators. Representative Sobel encouraged Council to pursue the issue of insurance reform.

3.3. Transit Tax - John Hart

This item was not discussed.

3.4. Police Explorers - Police Chief John George

Officer Bob Labelle introduced several present and former Police Explorers and presented plaques of appreciation to Justin Fairburn and Rudolfo Oliva. Officer Labelle also recognized Officers Casey Clough and John Yoder.

3.5. Junior FBI Academy - Shirley Taylor-Prakelt, Housing and Community Development Director

Jeff Breen, Community Relations Coordinator for the FBI Miami Division, said they had been delighted to have Davie students in the summer program at Nova. Mohammed Javet, of the Junior FBI Academy, explained the purpose of the academy and thanked Council for their invitation. Mayor Truex presented certificates to program participants Susan Holt, Rochelli Rodriguez and Michael Kline.

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3.6. Internal Control Presentation - Moore Stephens Lovelace, P.A.

Later in the meeting, Dan O'Keefe, project director from Moore Stephens Lovelace, summarized the report and advised Council to read the Executive Summary for an overview. Mr. O'Keefe said they had analyzed the purchasing environment in place at the time the funds were misappropriated, in order to understand what controls had failed or were absent that had facilitated the misappropriation. He had also discussed with staff the improvements and changes that had been made.

Mr. O'Keefe listed a few things he felt Council must address immediately: purge and update the vendor file; research vendors through Dun & Bradstreet or other similar venues; utilize bank control devices; create manuals and provide better training for account systems; update financial and accounting systems; and monitor proper implementation of procedures.

Mayor Truex confirmed Mr. O'Keefe's \$67,500 cost estimate for implementing the recommendations. Councilmember Paul said Council would consider the recommendations and then decide if and how to fund it. Deputy Budget and Finance Director Carol Menke said staff had prepared a resolution because they had received an engagement letter in the event Council wanted to move the item forward this evening. Council agreed to discuss it first, and Mr. Cohen agreed that this should be part of the next budget process.

3.7. Van Kirk Wetland Update - Dennis Mele

Dennis Mele, representative of Home Dynamics, provided an update on the environmental permitting for the Van Kirk Wetlands site. He explained that they had filed applications with the Army Corps of Engineers, the South Florida Water Management District and the Broward County Department of Environmental Protection. Mr. Mele estimated that the rest of the permitting would take approximately 9 months, and once begun, the project would take approximately 12 - 18 months to complete.

Mr. Mele explained that the Australian Pines along the canal that had fallen onto the property would be removed, but the canal itself was not part of the project. Councilmember Paul had thought that Home Dynamics was going to take care of all the trees that had fallen on the north side of the property and questioned who would take care of these trees. Vice-Mayor Crowley said they could make this a requirement of any future agreement involving development of the property. Mr. Mele promised Councilmember Starkey he would keep Council apprised of the project's progress.

Mayor Truex advised that staff was requesting that item 6.1 be tabled to September 6, 2006. He announced that Cliff Lockwood wanted to address this item now, as he would soon leave for active service.

Cliff Lockwood, president of the Davie West Homeowners Association, discussed the planning process for Hiatus Road. He reported that 78% of the Association's members supported the creation of a roundabout at the intersection of Hiatus Road and 26th Street. Mr. Lockwood distributed a list of signatures in support of this that was entered into the record as Exhibit A.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to table this item to September 6, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that the petitioner was requesting that item 6.3 and 6.5 needed to be tabled to October 4, 2006.

Earlier in the meeting, Councilmember Caletka advised that he had witnessed someone cutting down trees on the property without a permit one Saturday and the project supervisor had been very disrespectful. He believed this proved "malintent."

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Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley to table this item to October 4, 2006. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex announced that item 4.23 needed to be added.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley to add item 4.23 to the Consent Agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. June 29, 2006 (Workshop Meeting)

Proclamations

- 4.2. International Association of Firefighters Week (September 1 - 11, 2006)
4.3. Prostate Cancer Awareness Month (September 2006)
4.4. National Save A Life Month (September 2006)

Resolutions

- 4.5. **INSURANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-218 AUTHORIZING THE HUMAN RESOURCES MANAGEMENT DIRECTOR AND RISK MANAGER TO NEGOTIATE A PROPERTY & CASUALTY INSURING AGREEMENT WITH THE PUBLIC RISK INSURANCE AGENCY (PRIA) THAT PROVIDES FOR PROPERTY, AUTO LIABILITY, GENERAL LIABILITY, AND WORKERS' COMPENSATION INSURANCE COVERAGES TO BE EFFECTIVE OCTOBER 1, 2006 AND THEREAFTER TO PROVIDE FOR CONTINUING INSURANCE PROTECTION FOR THE TOWN OF DAVIE AND ITS EMPLOYEES AND IF UNABLE TO NEGOTIATE A MUTUALLY BENEFICIAL AGREEMENT WITH PRIA, THAN TO NEGOTIATE AN AGREEMENT WITH THE NEXT RANKED BIDDER, SOUTHEAST RISK MANAGEMENT AGENCY (SERMA), AND TO PRESENT ANY RESULTING CONTRACT TO THE TOWN COUNCIL FOR SIGNATURE BY THE MAYOR. (tabled from August 2, 2006)
- 4.6. **HOLIDAY SCHEDULE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-219 APPROVING THE HOLIDAY SCHEDULE AND OTHER OBSERVED DAYS FOR THE TOWN OF DAVIE NON-REPRESENTED EMPLOYEES DURING FISCAL YEAR 2006-2007; AND PROVIDING AN EFFECTIVE DATE.
- 4.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING TH
R-2006-220 BIDS FOR FERTILIZER. (lowest responsive and responsible bidder for each item)
- 4.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-221 THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR LINEAR PARK GAZEBO RE-ROOFING. (Regency Roofing Company - \$42,790)

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- 4.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE
R-2006-222 BID AWARDED BY THE CITY OF MIAMI GARDENS (BID # 04-05-016 SOUTH FLORIDA GOVERNMENT COOPERATIVE GROUP) FOR THE INSTALLATION AND REPAIR OF CONCRETE RECREATIONAL TRAILS. (Straightline Engineering Group)
- 4.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-223 THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR THE ROOF REPAIRS AT THE DAVIE POLICE AND FIRE COMPLEX. (AJM Builders - \$43,350)
- 4.11. **BID RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-224 APPROVING A RENEWAL OF THE BID AWARDED TO ENVIRONMENTAL REAGENT SERVICE, RESOLUTION #R-2002-184, FOR PURCHASE OF CHEMICAL REAGENTS. (\$10,000)
- 4.12. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-225 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 TO BUDGET CONSTRUCTION CO., INC. FOR MISCELLANEOUS ITEMS DESCRIBED IN THE CHANGE ORDER. (\$8,420.55)
- 4.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-226 ACCEPTING THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVIE TRAVEL CENTER, INC. AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-227 AMENDING THE PROPERTY LEASE AGREEMENT, BETWEEN THE WAGON WHEEL COFFEE ROASTER, INC. AND THE TOWN OF DAVIE, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-228 SELECTING THE FIRM OF PUBLIC RESOURCES MANAGEMENT GROUP, INC. TO PROVIDE A WATER AND SEWER RATE STUDY AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.16. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2006-229 THE PURCHASE OF A UTILITY TRAILER FROM BURKHARDS TRACTOR AND EQUIPMENT FOR A COUNTYWIDE EMERGENCY MEDICAL SERVICE (EMS) GRANT. (\$6,450.00)
- 4.17. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-230 REQUESTING AUTHORIZATION FOR THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS TO PURCHASE NEW TECHNOLOGY AND EQUIPMENT NEEDED TO EXPAND THE DAVIE POLICE DEPARTMENT'S TECHNICAL EQUIPMENT FOR INVESTIGATIONS. (\$25,000.00)

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- 4.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-231 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GRAYROBINSON, P.A. RELATIVE TO REGULATING THE USE OF TOWN RIGHT-OF-WAY BY COMMUNICATION CONCERNS, AND PROVIDING FOR AN EFFECTIVE DATE. (\$12,500 maximum)
- 4.19. **LEGISLATURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO IMMEDIATELY CONVENE A SPECIAL SESSION TO ADDRESS THE CRISIS IN FLORIDA'S WINDSTORM INSURANCE MARKET, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.20. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2006-232 PLAT KNOWN AS THE "FLAMINGO ISLES" PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-1-05, Flamingo Isles, 1380 South Flamingo Road) Site Plan Committee recommended approval subject to staff's recommendations less item number three under Engineering Division [page 4 of the staff report] and subject to Vice-Chair McLaughlin's comments regarding the plat legend and the non-vehicular access line
- 4.21. **VACATION OF EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-233 FLORIDA, AUTHORIZING TO VACATE EASEMENTS ON THE "MEEKS FARM" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 3-2-06, Eastern Financial Credit Union, 5700 South University Drive)

Quasi-Judicial Consent Agenda

- 4.22. SP 8-5-05, Parc 64 Plaza, south of Stirling Road on Davie Road Extension (B-2) 04/25/06 - *Site Plan Committee recommended approval subject to the staff report numbers one and three and the following: 1) correct all the radiuses as shown on the plan; 2) add all stop bars and traffic signage at intersections and crosswalks and indicate them on the plans; 3) reduce the height of the light poles to 25-feet and include shielding for those light poles located in the rear parking area on both sides of building 'C'; 4) applicant would add a fountain to the lake; 5) use accent paint colors on the columns and post caps of the rear, eight-foot high concrete wall; 6) the applicant would review the foot-candles in the main driveways and resubmit the photometric plan; 7) on the one-story building, continue the decorative treatments on the side and rear windows the same as were on the front windows; 8) add a "pop-out" building treatment on the rear of the building that matches the front; 9) on the two-story building 'C', on the back, pull the center out eight inches, raise it and make it a decorative treatment and also add decorative treatments to those rear windows; 10) add decorative insets on the top bands of all buildings; 11) roof tile samples and colors should be brought back to this Committee; 12) verify on the plans that on the two-story building walkway, that second-story walkway was to be covered; 13) that all the changes were to be brought back to the Committee on May 9th; and 14) to work with staff and the adjacent landowner to create a cross access agreement that was mutually agreeable to both parties; and 05/09/06 - Site Plan Committee recommended approval subject to the staff report and the 14*

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conditions noted at the April 25th meeting. Additionally, item one was to be corrected and shown on the plans; item six, the photometric foot-candles in the main driveways was to be shown at 2.0 minimum; the applicant was to add decorative insets that were agreed to be put in but left out of the plan (10 inserts per building, two-foot by two-foot decorative pre-cast as indicated on Committee member Evans' plans which were given to the petitioner); item 11 regarded the roof tile, that the roof tile should be either cement tile, clay, 'S' tile, or standing metal seams, but should not be the artificial, steel-backed material of which a sample had been provided; and item 12, that the second-story coved walkways be shown clearly on the plans

Item to be added

4.23. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2006-234 EMERGENCY REPAIR OF THE SEWAGE TREATING UNIT AT SYSTEM II
WASTEWATER TREATMENT PLANT. (K.A.M. Machine Shop - \$37,100)

Councilmember Caletka pulled item 4.5 from the Consent Agenda. Vice-Mayor Crowley pulled items 4.7 and 4.8. Councilmember Starkey pulled items 4.13, 4.15, 4.18, and 4.20. Mayor Truex pulled item 4.1, 4.23. Mr. Kiar pulled item 4.14.

Councilmember Starkey made a motion, seconded by Vice -Mayor Crowley to approve the consent agenda minus items 4.1, 4.5, 4.7, 4.8, 4.13, 4.14, 4.15, 4.18, 4.19, 4.20 and 4.23. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Later in the meeting, Mayor Truex confirmed that Council had received the correction to the minutes.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve the minutes of the June 29, 2006 workshop meeting as amended. In a voice vote, all voted in favor. (Motion carried 5-0)

4.5 Councilmember Caletka said there had been an amendment. Mayor Truex confirmed that the updated memo indicated PRIA had been selected for the Property and Casualty agreement.

Councilmember Caletka mad a motion, seconded by Councilmember Paul, to approve.

Councilmember Starkey was disappointed that communications had broken down in the process between staff and representatives from PRIA. She still had concerns and hoped that PRIA's representatives would address them. Mr. Cohen stated that one issue with all of their carriers was that the Town bid on a fiscal year, while most carriers bid on a calendar year. This contract had been designed to cover the Town through December, which would enable the Town to be on a calendar year.

Councilmember Starkey requested assurance from PRIA's representative that they had the assets to meet this obligation, since their risk pool was so low. Brian Cottrell, representing PRIA, explained how their assets and liabilities were structured, and how this differed from their competitors. Councilmember Starkey was still concerned about PRIA's ability to adequately insure the Town, but felt they had been left with no choice, as the Florida League of Cities had withdrawn.

Councilmember Paul was upset as well that the League of Cities had withdrawn, citing a deadline, and felt their conduct had been unprofessional. She asked Mr. Kiar to provide Council with criteria for calling an emergency Council meeting.

Councilmember Starkey clarified that the League had wanted the commitment by Friday because it was required by their underwriters in order to provide a lower rate, which could be offered to Davie, or to other interested municipalities.

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Councilmember Caletka felt that the League's request for an emergency meeting to satisfy their deadline was an act of bad faith. He had no objection to using PRIA, remarking that staff had a positive opinion of PRIA, and the fact that PRIA had acted in good faith.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion passed 4-1)

4.7 Vice-Mayor Crowley reminded Council that they were members of the Everglades Task Force, and were committed to helping preserve the Everglades. He wanted to include a caveat that any fertilizer purchased would have a phosphorus content of no more than 5%. Councilmembers Starkey and Paul agreed with Vice-Mayor Crowley.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve, on condition that the phosphorus content of any fertilizer purchase would not exceed 5%. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Mr. Cohen confirmed that the gazebo replacement roofs were cedar shakes. He advised that FEMA was providing the funds, and would only pay to replace the original material. Mr. Cohen indicated that if metal was chosen for the roof replacement, all FEMA funds would be lost. Mayor Truex felt they should continue with the cedar shakes, but agree that any future gazebo roof repairs should be metal. Councilmember Starkey remembered that money had already been allocated in the budget to replace some of the cedar roofs; she wondered if they should re-address that item to specify the use of aluminum for roof repairs.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor with Councilmember Caletka dissenting. (Motion carried 4-1)

4.13 Councilmember Starkey was concerned about Code enforcement issues on the site. Special Counsel Michael Burke explained that this agreement would not effect any Code enforcement issues; it only provided that the statute of limitations "will not be asserted with respect to a given period of time" if any lawsuit was filed. Mr. Burke confirmed that the hope was that the matter would be resolved before any court action.

Dennis Mele, representative of the property owner, said they supported this agreement to allow time for them to come under the Traffic Oriented Corridor land use designation. He agreed that this agreement had no bearing on the Code enforcement issues on the property. Mr. Mele reported on progress at the site.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.14 Mr. Kiar expressed concern that this not only amended the lease for a caretaker, it was also a new lease, which extended the terms and rent provisions. Council expressed concern over this as well, and Mr. Kiar agreed to amend the agreement to reflect the provision for a caretaker only, and stipulate that all other terms remained in full force and effect.

Councilmember Starkey was opposed to allowing a dwelling to be situated under a power line, and felt neighbors would complain about the situation as well. She wanted to add a provision allowing the Town to remove the caretaker. Mr. Kiar said he could add a provision that the lessee would vacate immediately upon 30 days notice from Council.

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Councilmember Paul made a motion, seconded by Councilmember Caletka, to approve, subject to the changes Mr. Kiar had agreed to make. In a voice vote, all voted in favor, with Councilmember Starkey dissenting. (Motion carried 4-1)

4.15 Councilmember Starkey was concerned about the lack of a cost estimate. Mr. Cohen said it would come back before Council for approval with the cost estimate. He advised that staff had not requested a cost estimate because this had been a request for qualifications, to determine the best firm to perform the study.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.18 Councilmember Starkey wanted to be sure that Mr. Kiar's corrections to the agreement were included. Mr. Kiar assured her that they were and added that he had checked Mr. Resnick's references.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.19 Earlier in the meeting, Representative Gottlieb said he had requested the resolution in response to citizens' "getting killed" by the windstorm insurance rate increases. He felt Council should act and pass a resolution calling for a special session of the Legislature to address the problem. Mayor Truex said he did not appreciate Representative Gottlieb's resolution because he felt it was partisan, and tried to blame the Legislature and Governor for the problem. Representative Gottlieb defended the plan, and noted that the State could not afford to wait for a national plan, which was also being worked on. He felt that this resolution calling for a special session was the way Council could urge the Legislature to get something done.

Councilmember Starkey agreed with Mayor Truex that the plan with which they had been presented was too partisan, but also agreed with Representative Gottlieb that they must call for the Legislature to act and "get it right." She hoped Representative Gottlieb would try to build consensus among his colleagues in the State Legislature. Councilmember Caletka thanked Representative Gottlieb for calling for the special session and felt a bi-partisan solution could be reached. Councilmember Paul felt they must pressure the Legislature for a special session and she would move to approve the existing Democratic plan with changes that removed the "party politics" from it. Vice-Mayor Crowley agreed that the plan was partisan and he was "not in favor of moving anywhere with this particular document."

Councilmember Paul made a motion, seconded by Councilmember Caletka, to approve the document, deleting those sections that were construed to be negative or partisan. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion failed 2-3)

Later in the meeting, Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to deny. In a voice vote, all voted in favor with Councilmembers Caletka and Paul dissenting. (Motion carried 3-2)

4.20 Councilmember Starkey wanted to be sure the motion included the recommendations made by Vice-Chair McLaughlin, specifically, "approval subject to staff's recommendations less item number 3 under the Engineering Division page 4 of the staff report and subject to the Vice-Chair McLaughlin's comments regarding the plat legend and the non-vehicular access."

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve, subject to the conditions as stated. In a voice vote, all voted in favor. (Motion carried 5-0)

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4.23 Utilities Director Bruce Taylor explained that leaks had developed a week ago in the main header line and had steadily worsened. He advised that repairs must be made immediately to prevent the plant from becoming septic within 12 - 24 hours.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Resolution

- 6.1. **CAPITAL PROJECTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2007- 2011. (tabled from August 2, 2006)

This item was tabled earlier in the meeting.

Ordinance - Second and Final Reading

- 2006-22 6.2. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 24, CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES", BY AMENDING ARTICLE I THEREOF, ENTITLED "IN GENERAL", BY AMENDING SECTION 24-3 THEREOF ENTITLED "PROHIBITED PARKING; PROHIBITED OPERATION OF VEHICLES", SEC. 24-3 (B) & (D) BY REVISING TEXT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading August 2, 2006 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion passed 5-0)

Ordinances - First Reading/Quasi Judicial Items (Second and final reading to be held September 6, 2006)

- 6.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM PRD 6.3 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT TO R-5, LOW-MEDIUM DENSITY DWELLING DISTRICT AND RM-12, MEDIUM-HIGH DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-05, RHG/TKO II Joint Venture LLOP/Rolling Hills Hotel Ltd., 3501 West Rolling Hills Circle) (tabled from June 21, 2006) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

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- 6.4. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO RM-5, LOW MEDIUM DWELLING DISTRICT AND FROM AG, AGRICULTURAL DISTRICT TO RM-5, LOW MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-2-05, Khavanin/Landau, 1300 Flamingo Road) (tabled from June 21, 2006) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the September 6, 2006 meeting.

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Dell summarized the planning report.

Gus Khavanin, representative of the applicant, agreed with the staff recommendation. He explained to Mayor Truex that they had not chosen R-4 zoning in order to be compatible with the neighborhood; if they had chosen R-4, the homes would be less affordable.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmembers stated their disclosures.

Councilmember Paul was concerned about the availability of affordable/workforce housing and wanted to come to some agreement for a specific number of units during site plan review. She suggested the developer confer with Housing and Community Development Director Shirley Taylor-Prakelt in this regard. Councilmember Paul wanted the agreement to stipulate that the number of affordable/workforce housing units would be decided in site plan review. Mr. Khavanin agreed to this.

Mayor Truex felt this should be zoned R-4, but would agree with R-5 if the plan included affordable/workforce housing. Mayor Truex wanted to be sure Council could deny site plan approval if they could not agree on a number of units. Mr. Kiar said this stipulation could be added to the agreement, which Mr. Khavanin agreed to.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve, subject to an agreement between the Town and the applicant on a specific number of affordable and/or workforce housing units prior to, or concurrent with site plan approval. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion passed 5-0)

Ordinance - First Reading (Second and final reading to be held September 6, 2006)

- 6.5. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 8-1-05, THE COURTYARDS AT ROLLING HILLS, VACATING "ROAD PARCEL" RIGHTS-OF-WAYS AS SHOWN ON THE PLAT OF "ROLLING HILLS GOLF AND TENNIS CLUB", AS RECORDED IN PLAT BOOK 81, PAGES 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-1-05, RHG/TKO II Joint Venture LLOP/Rolling Hills Hotel Ltd., 3501 West Rolling Hills Circle) (tabled from June 21, 2006) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

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Quasi Judicial Items

- 6.6. **VARIANCE** - V 7-3-05, DuPont, 3344 Meadowbrook Way (tabled from August 2, 2006) *Planning and Zoning Board recommended denial*

Mr. Kiar read the rules of evidence. He explained that this item had been tabled a number of times and still lacked homeowner's association approval. Mr. Kiar stated that Council could choose to table it again or withdraw it.

Mr. Dell advised that the applicant had requested the item be tabled at the August 2nd meeting because he was going to the homeowner's association that very evening, which had tabled the issue.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmembers stated their disclosures.

Councilmember Starkey said her homeowners association and other residents were opposed to the project.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion passed 5-0)

- 6.7. **VARIANCE** - V 4-1-06, Rodriguez, 10061 SW 15 Place (PRD 3.4) (tabled from July 19, 2006) *Planning and Zoning Board recommended denial*

Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Bruce Dell summarized the planning report. He confirmed that the homeowners association had approved the variance and the Planning and Zoning Board had recommended denial.

Mr. Rodriguez presented letters in support of the variance from adjacent neighbors and an aerial photo of the property. He asked Council to approve the request, noting that they had received a letter of approval from Water Management. Mr. Rodriguez said there were 16 homes around the lake that had pools and at least two of these did not meet the 27.2-foot setback requirement.

Mrs. Rodriguez confirmed for Councilmember Starkey that the distance between the screened porch edge and the pool coping was four feet. Councilmember Starkey felt their plan was comparable to many of the neighbors' pool layouts, and she therefore did not object.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmembers stated their disclosures.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the variance. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion passed 5-0)

- 6.8. **VARIANCE** - V 2-3-06, Laystrom/4400 South Inc., 4300 South University Drive (B-2) (to increase an 8 foot fence/wall along a property line of any non-residentially zoned property adjacent to residentially zoned property to 10 feet and to increase an 8 foot masonry wall along the property line to 10 feet) *Planning and Zoning Board recommended approval subject to the staff's recommendations; that a building permit be obtained for the wall; that there be a site plan and landscape plan to go through the site plan process for the purpose of reviewing the type of landscaping that would be provided; and that an "existing tree location survey" would be needed for the Site Plan Committee's review*

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Mr. Kiar read the rules of evidence and swore in the witnesses. Development Services Director Mark Kutney summarized the planning report.

John Voight, representing the applicant, explained the request, noting that a Special Magistrate's order had required them to apply for this variance.

Mr. Kiar opened the public hearing portion of the meeting.

Gordon Bateman, 4341 SW 78 Drive, said this was a chronic nuisance and the noise kept his family up at all hours. He felt the unpermitted outside bar had generated most of the problems. Therefore, he supported the walls and landscape plans.

Jim Murray, 4311 SW 78 Drive, wanted the 10-foot wall to separate his property from the business parking area to provide security.

John Sanchez, 4321 SW 78 Drive, was concerned about the safety issues as well.

Mr. Kutney confirmed that the outdoor patio had been approved as a site plan modification, but the bar was never approved.

Mr. Voight clarified that the patio was used for additional seating and as a smoking area. He indicated that no alcohol was served at the outdoor seating area now.

Councilmembers stated their disclosures.

As no one else wished to speak, the public hearing was closed.

Vice-Mayor Crowley wanted to add the condition that the site plan modification be presented to Council.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve, with the condition that the site plan modification be presented to Council. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion passed 5-0)

7. APPOINTMENTS

7.1. Mayor Truex

7.1.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

No appointment was made.

7.1.2. Agricultural Advisory Board (one exclusive appointment - term expires April 2008) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

7.1.3. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1.4. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

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7.2. Councilmember Caletka

- 7.2.1. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.3. Councilmember Paul

- 7.3.1. District Boundaries Review Committee (one exclusive appointment from the respective Councilmember's district; term expires upon submittal of recommendation to the Town Council) (members shall be a registered voter)

No appointment was made.

7.4. Councilmember Starkey

- 7.4.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

Councilmember Starkey appointed Stephanie Osborne.

- 7.5. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

There was no old business to discuss.

9. NEW BUSINESS

Councilmember Paul was concerned with the increase in the Town's budget.

Councilmember Paul made a motion, seconded by Mayor Truex, that staff prepare additional figures reflecting a 15% reduction in the overall budget. In a voice vote, all voted in favor. (Motion carried 5-0)

10. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

AFFORDABLE HOUSING. Mayor Truex suggested Mr. Dale be put on the agenda for the second October meeting to discuss affordable housing; Council agreed.

BROADVIEW PARK. Mayor Truex advised that the Town could not meet the vote deadline for Broadview Park. He indicated that Broward County Commissioner John Rodstrom had assured him that the County Commission agreed that this could not cost the Town anything out-of-pocket and Commissioner Rodstrom had suggested they use a mediator. Mayor Truex said they should move quickly to get it back on for next year. Councilmember Paul said she had spoken with Representative Tim Ryan and told him she felt they should have an independent cost study performed and perhaps they would have an agreement before the bill came up. Vice-Mayor Crowley felt the longer they postponed bringing more neighborhoods into the Town, the better.

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Mr. Cohen advised that staff would confer with County's staff after September 1st to discuss who would pay for the mediator. Councilmember Starkey believed that after the Town and County reached an agreement, then a vote could be scheduled. Mr. Cohen assured her that the bill that had passed contained this language.

WESTRIDGE PARK. Mayor Truex said some residents were opposed to the wetlands at Westridge Park. He felt Council should discuss it further prior to making a decision.

EMERGENCY MEETINGS. Mayor Truex stated that the Town's Charter did not define emergency meetings and he did not like to call them. He asked Council to seriously consider when they felt an emergency meeting was necessary.

COUNCILMEMBER STARKEY

FLORIDA LEAGUE OF CITIES CONFERENCE. Councilmember Starkey stated that the conference was successful. She agreed to provide information regarding the creation of councils in lieu of committees.

HIATUS ROAD BERM. Councilmember Starkey asked if any decision had been reached regarding the berm at the intersection of 26th and Hiatus Road. She wanted the Engineering Department to look into this, as she felt it was a safety hazard.

VICE-MAYOR CROWLEY

REDISTRICTING COMMITTEE DISCUSSIONS. Vice-Mayor Crowley asked Mr. Kiar if Council was allowed to speak to members of the Redistricting Committee. Mr. Kiar informed him that all committees were governed by the Sunshine Law and members were prohibited from discussing official business outside the confines of their meetings. He did not believe there was any prohibition against Council contacting Committee members.

COUNCILMEMBER CALETKA

FISCAL RESPONSIBILITY. Councilmember Caletka indicated Council had the opportunity to lower the millage rate and the fire assessment with the proposed budget. He stated that the Town could be a leader in the County in economic responsibility and felt the County was being "fiscally reckless" regarding the unincorporated areas.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

12. TOWN ATTORNEY'S COMMENTS

No comments were made.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:16 p.m.

Approved _____

Mayor/Councilmember

Town Clerk